



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 04-66

Date: September 16, 2004

Application No. 2001-00998

Please address all written responses, by October 5, 2004, to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214
Attn: Lisa Morris, telephone 615/369-7504, fax 615/369-7501

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSE VALLEY AUTHORITY
STATE OF TENNESSEE

SUBJECT: Proposed and After-the-Fact Deposit of Fill Material Associated with a Rock Jetty Around an Existing Public Courtesy Dock at Tennessee River Mile 78.1, Right Bank, Houston County, TN

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 10 of the Rivers and Harbors Act** and **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the state of Tennessee, Department of Environment and Conservation, (TDEC), Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification. The Tennessee Valley Authority (TVA) approved the work pursuant to Section 26a of the TVA Act by permit dated August 30, 2004 (RLR 159807).

APPLICANT: Houston County Government
P.O. Box 366
Erin, TN 37061

LOCATION: Tennessee River Mile 78.1, Right Bank, Kentucky Lake, Houston County, TN.
USGS Quad- McKinnon, TN. Lat: 36-18-00; Lon: 88-57-30. See attached location map.

DESCRIPTION OF WORK: The applicant, in partnership with the Tennessee Wildlife Resources Agency, proposes to extend an existing U-shaped rock jetty that was constructed in 1990 to protect a fishing pier at the subject location. The pier was replaced by a courtesy dock that was authorized by DA permit No. 2001-00998, dated June 4, 2001. The jetty is located just

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upstream and adjacent to an abandoned CSX railroad causeway and within an area that is designated as a second class safety harbor for barge tows and recreational vessels. The top of the existing jetty is at Elevation 362; which is 3-feet above the Kentucky Lake's normal summer pool (NSP), Elevation 359. The bottom is at Elevation 350. The arms of the jetty extend about sixty feet from the shoreline with an 18-foot wide base. The upstream arm of the jetty would be extended approximately 50-feet, angled in towards the boat slips at a 45-degree angle. The deposit of fill material placed below NSP for both the existing and proposed jetty is roughly 550 cubic yards of quarry-run limestone rock. Modifications to the existing courtesy dock would result in a 36-foot wide by 20-foot long double boat slip connected to a 4-foot wide L-shaped walkway. Plans of the proposed work are attached.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

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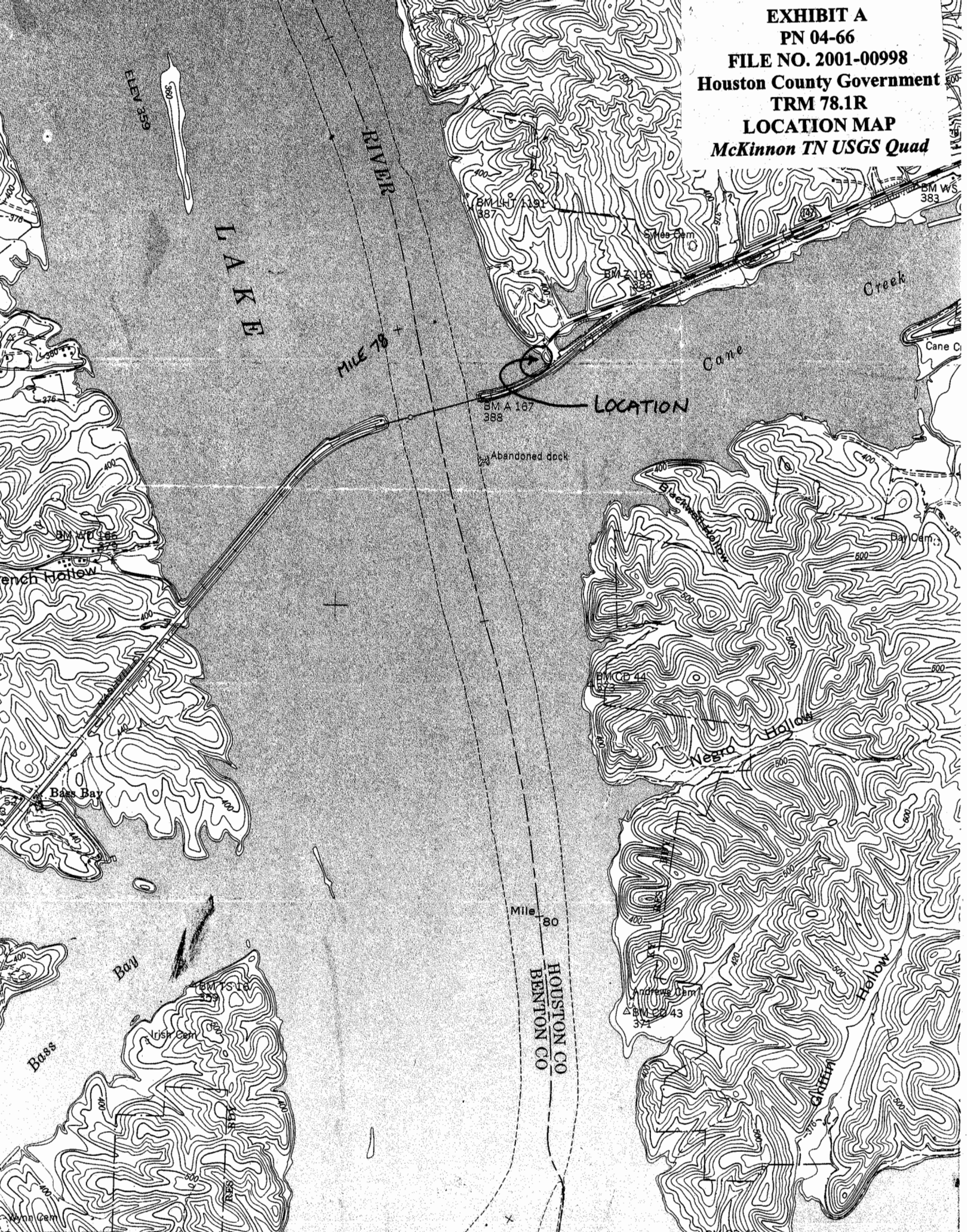
The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based upon available information, the proposed work would not destroy or endanger any federally-listed, threatened, or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

In addition to the DA permit, the TVA permit, and the water quality certification, other federal, state, and/or local approvals may be required for the proposed work. In addition to other provisions of its approval, TVA requires that the applicant understand that the site will continue to serve as a safety harbor for barge and recreational traffic; that at times, this could temporarily block the facilities and that the applicant will employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a hearing. **Written statements received in this office on or before October 5, 2004, will become a part of the record and will be considered in the determination.** Any response to this notice should be directed to the Regulatory Branch, Attn: Lisa Morris, at the above address. It is not necessary to comment separately to TVA or ADEM since copies of all comments will be sent to those agencies and will become part of their records on the proposal. Point of contact with TVA is David Fitzhugh, P.O. Box 280, Paris, TN 38242. Questions regarding the water quality certification can be directed to TDEC, Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street, Nashville, TN 37243-1534.

EXHIBIT A
PN 04-66
FILE NO. 2001-00998
Houston County Government
TRM 78.1R
LOCATION MAP
McKinnon TN USGS Quad



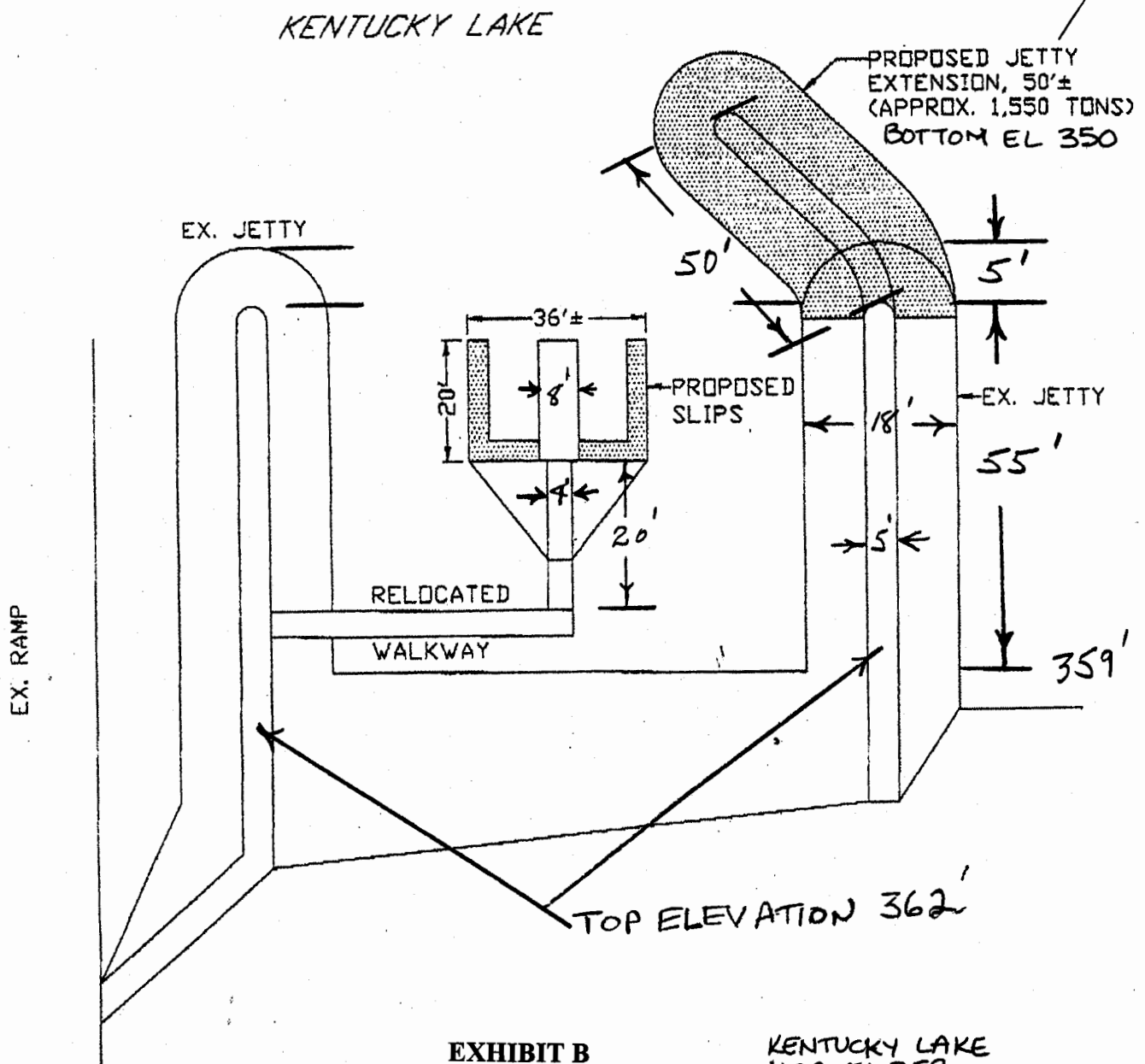


EXHIBIT B
PN 04-66
FILE NO. 2001-00998
Houston County Government
TRM 78.1R
PLANS

KENTUCKY LAKE
NSP EL 359

KENTUCKY LAKE
ERIN, HOUSTON COUNTY, TENNESSEE
PROPOSED WATERFRONT IMPROVEMENTS
NOT TO SCALE
APRIL, 2004

Q1.2-159807